

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

In the Matter of

POTTS, LEROY JOSEPH,

Debtor.

Case No. 10-30138

Chapter 7

RESPONSE TO MOTION TO COMPEL TRUSTEE  
TO FILE REPORTS OF OPERATIONS

Trustee, Jacqueline Sells Homann, by counsel, submits this Response to the Motion to Compel Trustee to File Reports of Operations.

1. The Debtor filed his bankruptcy petition on January 20, 2010.
2. It was not until February 25, 2010, that the Trustee was made aware that Mr. Potts continued to operate his business that he operated as Town & Country Mobile Homes.
3. As this court knows, it took the Trustee several attempts to get Mr. Potts to close his business, which was finally done on March 1, 2010. The Debtor had employees and ongoing operations that were shut down.
4. The Debtor, as a result of the operation of his business, had numerous accounts receivable that are property of the bankruptcy estate. The Trustee continues to receive account receivable payments as she is required to as these payments are an asset of the bankruptcy estate and is soliciting bids for the sale of these contract rights.
5. In addition, she is currently soliciting bids in connection with the sale of other assets of the bankruptcy including vacant mobile homes and assets that sit on a sales lot that Mr. Potts rented subsequent to the filing of his bankruptcy petition.

6. The Trustee has been in regular communication with the landlord and is attempting to make a determination about whether any units can be sold or whether they should be abandoned. She awaits offers from several people that she has been in contact with.

7. 11 USC §704(a)(8) requires that the Trustee file operating reports if the Trustee is operating the business of the debtor. The Trustee is not operating the business of the debtor, which she understood to be a business of refurbishing old mobile home units and selling them, but is merely collecting payments on the contract rights and attempting to liquidate the assets.

WHEREFORE, the Trustee prays that Motion to Compel Trustee to File Reports of Operations be denied in its entirety and for all other just and proper relief.

Dated: July 23, 2010

/s/ Jacqueline Sells Homann  
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#### CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of July 2010, a true and correct copy of the above and foregoing Response to Motion to Compel Trustee to File Reports of Operations was served via electronic mail as follows:

Debra Voltz-Miller  
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United States Trustee  
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/s/ Jacqueline Sells Homann  
Jacqueline Sells Homann